



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

m-f

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,807	03/09/2001	Tae-Young Kil	P56258	1458

7590 11/03/2006

Robert E. Bushnell
Suite 300
1522 K Street, N.W.
Washington, DC 20005-1202

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/801,807	Applicant(s) KIL, TAE-YOUNG	
	Examiner Willie J. Daniel, Jr.	Art Unit 2617	

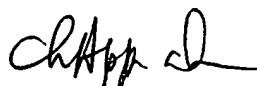
--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 18 November 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



CHARLES APPIAH
PRIMARY EXAMINER

Continuation of 10. Other (including any explanation in support of the above items):

Applicant failed to follow the proper content format. See MPEP § 1205.02 and 37 CFR 41.37(c). For example, the appeal brief lacks a "Table of Contents" page.

Applicant failed to provide proper heading label, for example, heading "VII. Argument" instead of "VIII. Argument" as indicated on pg. 5. See MPEP § 1205.02 and 37 CFR 41.37(c)(1)(vii).

Applicant failed to provide proper heading label, for example, heading "VIII. Claims Appendix" instead of "IX. Appendix" as indicated on pg. 13. See MPEP § 1205.02 and 37 CFR 41.37(c)(1)(viii).

Applicant failed to comply with the provisions of 37 CFR 41.37 by providing EACH claimed limitation in the summary of claimed subject matter with a reference to the specification by page(s) and line number(s), and to the drawing(s), if any, by reference characters as required by 37 CFR 41.37(c)(1)(v). The summary of claimed subject matter in the filed appeal brief is not a concise explanation of subject matter defined in the independent claim(s). In the filed appeal brief on page 3, section V., 2nd paragraph, applicant merely expresses "...as illustrated in Figure 2 and discussed on pages 12-14 of the present specification..." without identifying each limitation of the independent claims with a reference to the specification by page(s) and line number(s), and to the drawing(s), if any, by reference characters.

Applicant failed to properly label sub-heading(s) as required by 37 CFR 41.37 (c)(1)(vii). For example, the sub-heading on pg. 10 of appeal brief is labeled "Claims 25, 18, and 30" in which claim 18 is a canceled claim.

This list of examples is not intended to be exhaustive. Essentially, the appeal brief filed 18 November 2005 does not comply with the provisions of 37 CFR 41.37 which were effective 13 September 2004. The applicant is advised to check the filed appeal brief for any errors that do not comply with 37 CFR 41.37. An appeal brief which complies with 37 CFR 41.37 is required.